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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,297	11/03/2000	Theron Tock	0023-0218	6720
44987	7590	06/18/2007		
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09706297	11/3/00	TOCK ET AL.	0023-0218

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EXAMINER

Asad M. Nawaz

ART UNIT	PAPER
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2155	20070611
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Commissioner for Patents

Pursuant to the decision by BPAI decision on 3/21/07, the missing references listed under the "Evidence Relied Upon" section are provided.

(8) Evidence Relied Upon

Petterson	USPAT 6,826,594	11-2004
Delph	USPAT 6,356,934	03-2002

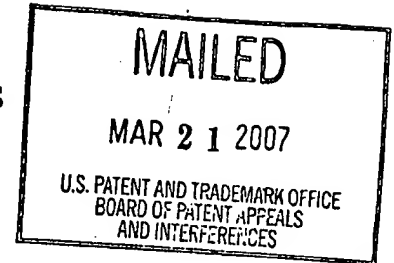

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: THERON TOCK and SAMPATH SRINIVAS

Application No. 09/706,297



ORDER RETURNING UNDOCKETED APPEAL

The Board of Patent Appeals and Interferences (Board) electronically received this application on January 17, 2007. The application is not ready for review and consideration by the Board for the reason(s) noted below. Accordingly, the application is herewith being returned to the Examiner to take action consistent with the guidance provided by this order.

EXAMINER'S ANSWER

On July 26, 2006, an Examiner's Answer was mailed. However, the Examiner's Answer does not comply with § 1207.02 of the Manual of Patent Examining Procedure (MPEP). Specifically, in the "Evidence Relied Upon," section 8 (pg. 2, last paragraph), the Examiner indicated that "[n]o evidence is relied upon by the Examiner in the rejection of the claims under appeal." However, the section entitled "Grounds of Rejection" (sec. 9; pg. 3, ln. 14 and pg. 7, ln. 16) reveals that reference to Pettersen (Patent No. 6,826,594) and Delph (6,353,934) were applied to the statement of rejections. In accordance with MPEP § 1207.02, the "Evidence

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Relied Upon" (section 8) should include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

To remedy this and before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. Appropriate correction is required.

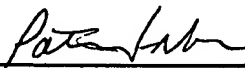
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate action on the following:

- 1) issue and mail a PTOL-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
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PJN/dpv

Application No. 09/706,297

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